

Accountability in Judiciary Services

CIET social audits
Bolivia, Mali, Nicaragua,
South Africa, Tanzania, Uganda

Ciudadanos denuncian corrupción

Justice may be a question of how much you bribe the magistrate. In one of the less corrupt countries bold enough to audit corruption in the judiciary, Uganda, one half of the people dealing with the judiciary services said they had paid bribes. The amounts paid were more than twice the bribes reportedly paid to the police.

CIET social audits of the judiciary services were carried out in Bolivia, Mali, Nicaragua, South Africa, Tanzania and Uganda. CIET social audits gather data from households, communities and local public servants about how public services serve the public. They focus on system flaws and the generation of local solutions for institutional reform.

The 1998 Uganda National Integrity Survey, conducted by CIET at the request of the Inspector-General of that country, found the risk of bribing increases with the number of staff involved. Once stuck in the loop of "unofficial fees", the service user often has to pay several individuals "in the line", which in turn delays rather than speeds up the process.

The CIET social audit in Bolivia, carried out as part of the government's National Integrity Programme, found 78% of the people were asked for a bribe when regularising documents. Yet for those who paid bribes and used an intermediary, the transaction took more than twice as long to complete.

*"Judges have become agents for selling government laws and people's rights instead of protecting them."
(Village-woman, Tanzania)*

In Nicaragua, 22% said they had to pay bribes in court to "keep the proceedings going.

"Corruption in the judicial process is more frequent when intermediaries are involved. Some payment of intermediaries is legitimate – for example to a solicitor or a barrister. Yet, where the service users are not able to represent them-selves, this is associated with an increased level of reported bribery.

In Tanzania in 1996, 97% of civil servants interviewed said there was corruption in the justice system. More than half of them said the situation had worsened in the last five years. When findings were brought back to participants to discuss solutions, Tanzanian householders, community focus groups and District Administrators all suggested improved information on how to use the judiciary services as a way to counter corruption.

Asked about their satisfaction with the justice system, three out of four households in Mali said they were not satisfied. It proved to be a particular concern for illiterate people. This could be explained by the fact that they are more vulnerable to corruption since they are less informed about how the services work and their civil rights. Those who said corruption is a problem in the public sector were 16 times more likely to be dissatisfied with services.

Some 10% suggested combatting corruption would improve the services and 27% stressed an increase in respect for the rules.

Publicising evidence of corruption is proving to be an effective strategy to initiate reform and policy changes in Johannesburg, South Africa. In collaboration with the Southern Metropolitan Local Council (SMLC) and the police of Johannesburg, a CIET audit found that only one in every 272 rapists who is reported to the police ever gets convicted.

The police, the SMLC and CIET jointly made these findings public. This, in turn, led the authorities to modify their registration and processing mechanisms so that better evidence could be presented in court.

"Corruption in public services denies justice," said one woman in Tanzania, adding that the community voice needs to be strengthened to tackle the problem. Follow-up surveys will measure the success of public sector reform.

Evidence base:

Bolivia: 32 640 people

Nicaragua: 6000 people

Mali: 14 400 people

South Africa: 7 502 people, 100 police, magistrates and prosecutors

Tanzania: 24 676 people

Uganda: 94 481 people, 1 595 service workers